

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON**

IN RE: ETHICON, INC., PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION ----- This document applies to:  ETHICON WAVE 4 CASES LISTED IN EXHIBIT A	Master File No. 2:12-MD-02327 MDL 2327  JOSEPH R. GOODWIN U.S. DISTRICT JUDGE
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**NOTICE OF ADOPTION OF PRIOR *DAUBERT* MOTION CHALLENGING  
GENERAL-CAUSATION OPINIONS OF NEERAJ KOHLI, M.D. FOR WAVE 4**

Defendants hereby adopt and incorporate by reference their *Daubert* motion challenging the general-causation opinion testimony of Neeraj Kohli, M.D. filed in Ethicon Wave 3, Dkt. 2806 (motion) and Dkt. 2809 (memorandum in support). Defendants respectfully request that the Court exclude Dr. Kohli's general-causation testimony, for the reasons expressed in the Wave 3 briefing and, as to his alternative-procedures opinions, for the additional reason that this Court has subsequently found that an alternative surgical procedure is not an alternative design. *See Mullins v. Johnson & Johnson*, No. 2:12-cv-02952, 2017 WL 711766, at \*2 (S.D.W. Va. Feb. 23, 2017); *see also In re: Ethicon, Inc. Pelvic Repair Sys. Prod. Liab. Litig.*, MDL No. 2327, 2017 WL 1264620, at \*3 (S.D.W. Va. Mar. 29, 2017) ("I agree with Ethicon that alternative procedures/surgeries do not inform the issue of whether an alternative design for a product exists.").

This notice applies to the Wave 4 cases identified in Exhibit A attached here.

Respectfully submitted,

ETHICON, INC. AND  
JOHNSON & JOHNSON

/s/ Rita A. Maimbourg

Rita A. Maimbourg  
TUCKER ELLIS LLP  
950 Main Avenue, Suite 1100  
Cleveland, OH 44113-7213  
Telephone: 216.592.5000  
Facsimile: 216.592.5002  
[rita.maimbourg@tuckerellis.com](mailto:rita.maimbourg@tuckerellis.com)

/s/ David B. Thomas

David B. Thomas  
THOMAS COMBS & SPANN PLLC  
300 Summers St.  
Suite 1380 (25301)  
P.O. Box 3824  
Charleston, WV 25338  
Telephone: 304.414.1807  
[dthomas@tcspllc.com](mailto:dthomas@tcspllc.com)

/s/ Christy D. Jones

Christy D. Jones  
BUTLER SNOW LLP  
1020 Highland Colony Parkway  
Suite 1400 (39157)  
P.O. Box 6010  
Ridgeland, MS 39158-6010  
Telephone: 601.985.4523  
[christy.jones@butlersnow.com](mailto:christy.jones@butlersnow.com)

**CERTIFICATE OF SERVICE**

I certify that on April 11, 2017, I electronically filed this document with the clerk of the court using the CM/ECF system, which will send notification of this filing to CM/ECF participants registered to receive service in this MDL.

/s/ Rita A. Maimbourg

Rita A. Maimbourg

TUCKER ELLIS LLP

950 Main Avenue, Suite 1100

Cleveland, OH 44113-7213

Telephone: 216.592.5000

Facsimile: 216.592.5002

[rita.maimbourg@tuckerellis.com](mailto:rita.maimbourg@tuckerellis.com)

# EXHIBIT A

**LIST OF CASES TO WHICH MOTION TO EXCLUDE GENERAL-CAUSATION  
TESTIMONY OF NEERAJ KOHLI, M.D., M.B.A. APPLIES**

1. *Ella Jean Howard, et al. v. Ethicon, Inc., et al.*, Civil Action No. 2:12-cv-03976 (TVT-O)
2. *Zinaida Stepski v. Ethicon, Inc., et al.*, Civil Action No. 2:12-cv-05342 (TVT-O)

\* Defendants reserve the right to supplement this list should any plaintiff designate Dr. Kohli as a general-causation expert in MDL Wave 4.